

1 Manuel H. Miller, Esq. (SBN 36947)
2 Max A. Sauler, Esq. (SBN 62634)
3 LAW OFFICES OF MANUEL H. MILLER
4 A Professional Corporation
5 20750 Ventura Boulevard, Suite 440
6 Woodland Hills, California 91364
7 Telephone: (818) 710-9993
8 Facsimile: (818) 710-1938
9 Email: msauler@milller4law.com

10 Attorney for Plaintiff Preston Smith

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 **PRESTON SMITH, an**
14 **individual,**

15 **Plaintiff,**

16 **vs.**

17 **CITY OF BURBANK,**
18 **BURBANK POLICE**
19 **DEPARTMENT, BURBANK**
20 **POLICE DEPARTMENT**
21 **OFFICER GUNN; BURBANK**
22 **POLICE DEPARTMENT**
23 **OFFICER BAUMGARTEN;**
24 **BURBANK DEPARTMENT**
25 **POLICE OFFICER EDWARDS,**
26 **AND DOES 1 TO 100, inclusive**

27 **Defendants.**

Case No.: CV 10-8840 VBF (AGRx)

PLAINTIFF'S INITIAL RULE 26
DISCLOSURE

28 **TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF**
RECORD:

//

//

//

//

1 Pursuant to Federal Rules of Civil Procedure, Rule 26, and to Central
2 District of California, Local Rule 26-2, Plaintiff Preston Smith makes the
3 following disclosure relative to witnesses and documents known at this time:
4

5 **WITNESSES**

- 6
- 7 1. Plaintiff Preston Smith, who may be reached through his attorneys of
8 record; knowledge of the incident giving rise to this lawsuit; injuries
9 suffered by plaintiff; plaintiff's participation in the subsequent
10 investigation.
11
 - 12 2. Defendant Officer Neil Gunn, Jr.; who may be reached through his
13 attorneys of record; knowledge of incident giving rise to this lawsuit;
14 Officer Gunn's participation in the subsequent investigation; Officer
15 Gunn's prior disciplinary record and record of assault on others, as well
16 as prior violations of the civil rights of others.
17
 - 18 3. Defendant Officer A. Baumgarten, who may be reached through his
19 attorneys of record; knowledge of incident giving rise to this lawsuit;
20 Officer Gunn's participation in the subsequent investigation; Officer
21 Gunn's prior disciplinary record and record of assault on others, as well
22 as prior violations of the civil rights of others.
23
 - 24 4. Defendant Officer M. Edwards, who may be reached through his
25 attorneys of record; knowledge of incident giving rise to this lawsuit;
26
27
28

1 Officer Gunn's participation in the subsequent investigation; Officer
2 Gunn's prior disciplinary record and record of assault on others, as well
3 as prior violations of the civil rights of others.
4

5 5. Officer Joel Rodriquez, Burbank Police Department, 200 North 3rd Street,
6 Burbank, California 91502, (818) 238-333; knowledge of the incident
7 and subsequent investigation.
8

9 6. Sgt. D. Mayreis, Burbank Police Department, 200 North 3rd Street,
10 Burbank, California 91502, (818) 238-333; knowledge of the incident
11 and subsequent investigation.
12

13 7. Detective C. Hawver, Burbank Police Department, 200 North 3rd Street,
14 Burbank, California 91502, (818) 238-333; knowledge of the incident
15 and subsequent investigation.
16

17 8. Officer B. Ambrose, Burbank Police Department, 200 North 3rd Street,
18 Burbank, California 91502, (818) 238-333; knowledge of the incident
19 and subsequent investigation.
20

21 9. Officer Berry, Burbank Police Department, 200 North 3rd Street,
22 Burbank, California 91502, (818) 238-333; knowledge of the incident
23 and subsequent investigation.
24
25
26
27
28

- 1 10. Officer Murphy, Burbank Police Department, 200 North 3rd Street,
2 Burbank, California 91502, (818) 238-333; knowledge of the incident
3 and subsequent investigation.
4
- 5 11. Officer Slor, Burbank Police Department, 200 North 3rd Street, Burbank,
6 California 91502, (818) 238-333; knowledge of the incident and
7 subsequent investigation.
8
- 9 12. Yesenia Guevara, address unknown at present; knowledge of the incident
10 and subsequent investigation.
11
- 12 13. Mario Champieux, 6233 North Clybourn Avenue, North Hollywood,
13 California 91606; knowledge of incident.
14
- 15 14. Lemus Noe Adilson, 6240 Cahuenga Boulevard, North Hollywood,
16 California 91606; knowledge of the incident.
17
- 18 15. Dr. Lai, St. Joseph Medical Center, 501 S. Buena Vista Street, Burbank,
19 California 91505; knowledge of plaintiff's condition and injuries
20 following the incident.
21

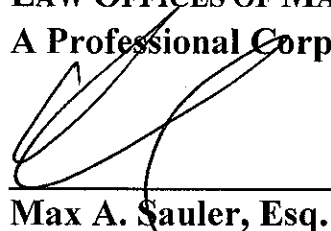
DOCUMENTS

- 23 1. Defendant Burbank Police Department's investigative reports, arrest
24 reports and other material and documentation relating to the incident.
25
- 26 2. The records and files of Defendant Officer Neil Gunn, Jr. with the
27 Burbank Police Department.
28

3. The records and files of Defendant Officer A. Baumgarten with the Burbank Police Department.
4. The records and files of Defendant Officer M. Edwards with the Burbank Police Department.
5. The medical records of Plaintiff, including the records of St. Joseph Medical Center.
6. The case file in People vs. Preston Smith, No. 09BR01353-01.

Dated: December 17, 2010

**LAW OFFICES OF MANUEL H. MILLER
A Professional Corporation**



**Max A. Sauler, Esq.
Attorney for Plaintiff Preston Smith**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE
UNITED STATES DISTRICT COURT
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

CASE NAME: PRESTON SMITH V. CITY OF BURBANK, ET AL.
CASE NUMBER: CV10-8840-VBF (AGR~~x~~)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 20750 Ventura Blvd, Suite 440, Woodland Hills, CA 91364.

On **December 17, 2010**, I served the foregoing document described as: **PLAINTIFF'S INITIAL RULE 26 DISCLOSURE**, in this action by placing a true copy thereof in a sealed envelope addressed as follows:

PLEASE SEE ATTACHED SERVICE LIST

[X] BY MAIL

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Woodland Hills, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing the affidavit.

[X] FEDERAL

I declare that I am employed in the office of a member of the bar of this Court at whose direction that service was made.

Executed on December 17, 2010, at Woodland Hills, California



Sandra Alvarez

1 2 3 4 5 6 7	Dennis A. Barlow, City Attorney Juli C. Scott, Chief Assistant City Attorney Carol A. Humiston, Senior Asst. City Attorney Office of the City Attorney 275 E. Olive Avenue P.O. Box 6459 Burbank, CA 91510-6459	Attorneys for Defendants
8 9 10 11 12 13	David D. Lawrence, Esq. Dennis M. Gonzalez, Esq. Nathan A. Oyster, Esq. Lawrence Beach Allen & Choi, PC. 100 W. Broadway, Suite 1200 Glendale, CA 91210-1219 Tel: 818-545-1925 Fax: 818-545-1937	Attorneys for Defendant